

ORIGINAL

IN THE UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE: The Honorable Jane A. Restani, Judge

SWISHER INTERNATIONAL, INC., )

Plaintiff, )

v. )

United States, )

Defendant, )

Court No. 95-03-00322

ORDER

Upon consideration of defendant's motion to discontinue the submission of monthly status reports, it is hereby ORDERED,

That defendant's motion is APPROVED.

JANE A. RESTANI, JUDGE

Dated:

1/16/02  
New York, NY

IN THE UNITED STATES COURT OF INTERNATIONAL TRADE

SWISHER INTERNATIONAL, INC.,  
Plaintiff,  
v.  
UNITED STATES,  
Defendant.

Pursuant to this Court's order dated March 13, 2001, defendant, the United States, respectfully submits the following status report regarding the Harbor Maintenance Tax (HMT) Claims Refund Process for "Swisher-type" claims. Swisher Int'l Inc. v. United States, 205 F.3d 1358 (Fed. Cir.), cert. denied, 121 S. Ct. 624 (2000). We have served this report upon the Plaintiffs' Steering Committee and all counsel of record, to our knowledge, in "Swisher"-type cases.

As of December 13, 2001, Customs has received 188 refund requests for "Swisher"-type claims. Customs has completed its review and transmitted an HMT Refund Report and Certification, and an HMT Payment Report to 188 claimants.

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have been submitted to this Court for entry of judgment.

A more detailed chart listing the status of individual cases is attached. This chart is maintained and updated by Customs on a regular basis and is available on Customs' website at:  
<http://www.customs.ustreas.gov/impoexpo/pdf/swish6.pdf>.

## II. Summary Of Refund Process

### Phase One: Initial Review December 13, 2001

Total Refund Requests Received . . . . . 188

Review Completed/  
HMT Refund Report and  
Certification and HMT Payment Report Issued  
Cumulative . . . . . 188  
Monthly Period . . . . . 0

Stipulated Judgments Received By  
The Department Of Justice  
Cumulative . . . . . 142  
Monthly Period . . . . . 6

Stipulated Judgments Submitted To  
The Court of International Trade  
Cumulative . . . . . 140  
Monthly Period . . . . . 4

### Phase Two: Disputed Claims

Receipt Of Disputed Claim Forms  
With Supporting Documentation . . . . . 50

Revised HMT Refund Report and  
Certification Issued . . . . . 45

### Phase Three: Judicial Review

Cases Submitted For Judicial Review . . . . . 1

Cases Resolved By The Court . . . . . 0

Refunds

Judgments Entered By The Court Of International Trade and Received By The Department of Justice . . . . .	134
Refunds Of Principal Made . . . . .	134
Interest Refunds Requested . . . . .	128
Interest Refunds Issued . . . . .	128
Other (Stone Container & BP Oil Co.) . . . . .	2

There has been no change in the number of refund requests received by defendant for the past 90 days. In addition, a substantial portion of the anticipated judgments have been submitted to the Court. Defendant, therefore, moves that the Court allow defendant to discontinue the submission of monthly status reports pursuant to this Court's order of March 13, 2001.

Respectfully submitted,

ROBERT D. McCALLUM, JR.  
Assistant Attorney General

DAVID M. COHEN  
Director

JEANNE E. DAVIDSON  
Deputy Director